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09/595,167	06/15/2000	James M. Brugger	17742-002510	2793
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James M. Heslin, Esq. TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor			EXAMINER	
			RODRIGUEZ, CRIS LOIREN	
San Francisco, CA 94111-3834			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			Application No.	Applicant(s)			
Cris L. Rodriguez 3763	Office Action Summary		09/595,167	BRUGGER ET AL.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 day MONAPHI(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of time may be available under the provisions of 3 CER 1.136(a), in no event, however, may a righty be timely filled after 50 K(g) (MCMTHS from the maling date of this communication of 3 CER 1.136(a), in no event, however, may a righty be timely filled after 50 K(g) (MCMTHS from the maling date of this communication is 10 K opened for may be appendix on the provision of the communication of the communication is became ABANDONED (50 U.S.C. § 133). **Sealed address from adjustment.** Sea 37 CER 1.79(b). **Status** 1) ★ Responsive to communication(s) filled on 15 June 2000. 2a) ★ This action is FiNAL. 2b) ★ This action is FiNAL. 2b) ★ This action is finAd. 2b) ★ Status** 4) ★ Sclaim(s) 1.22 is/are pending in the application. 4a) Of the above claim(s) is/are evidence. 4b) ★ Claim(s) 1.22 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5c) ★ Claim(s) 1.26 are subject to restriction and/or election requirement. Application Papers 9c) ★ The drawing(s) filed on is/are. a) accepted or b) by elected to by the Examiner. Application Papers 9c) ★ The proposed drawing correction filed on is/are. a) accepted or b) by elected to by the Examiner. Application Papers 9c) ★ The orath or declaration is objected to by the Examiner. 1d poproved, corrected drawings are required in reply to this Office action. 12) ★ The orath or declaration is objected to by the Examiner. 1d poproved, corrected drawings are required in reply to this Office action. 12) ★ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) ★ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). 3 ★ Oratified copies of the priority documents have been recei			Examiner	Art Unit			
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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Application/Control Number: 09/595,167

Art Unit: 3763

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: a)figure 1, b)figures 2-3, c)figure 4A, d)figure 4B, and e)figures 5A-5D.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to James Heslin on February 18, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Art Unit: 3763

Applicant is advised that the reply to this requirement to be complete must include an

Page 3

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Cris L. Rodriguez whose telephone number is (703) 308-2194. The

examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Casler can be reached on (703) 308-3552. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 305-3590 for regular

communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-0858.

February 18, 2002

Art Unit 3763

TECHNOLOGY CENTER 3700